

## **Remarks/Arguments**

### **A. Pending Claims**

The Examiner listed claims 4091-4093, 4095-4110, 4112-4123, 4125, 4126, 4128-4170 and 5396-5399 as pending. In addition to the claims listed by the Examiner, Applicant believes that claims 5400-5409 are also pending.

Claims 4091-4093, 4095-4110, 4112-4123, 4125, 4126, 4128-4170 and 5396-5409 are currently pending. Claims 4128 and 5400 have been amended. The amendments to the claims clarify the claims.

### **B. Provisional Double Patenting Rejection**

The Examiner provisionally rejected claims 4091-4093, 4095-4110, 4112-4123, 4125, 4126, 4128-4170 and 5296-5399 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims of copending Application Nos. 09/840,937; 09/841,195; 09/841,500 (U.S. Pat. No. 6,591,907); 09/841,308; 09/841,303 (U.S. Pat. No. 6,702,016); 09/841,439; 09/841,300; 09/841,490; 09/841,438 (U.S. Pat. No. 6,581,684); and 09/841,283. Applicant does not believe that a terminal disclaimer is needed for the present application and the above-noted applications and patents. To expedite the case, however, a terminal disclaimer for the applications and patents is provided as a separate document.

### **C. Additional Remarks**

Applicant submits that all claims are in condition for allowance. Favorable reconsideration is respectfully requested.

It is believed that no fees are due in association with the filing of this document. If an extension of time is required, Applicant hereby requests the appropriate extension of time. If any

fees are required or if any fees have been overpaid, please appropriately charge or credit those fees to Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. Deposit Account Number 50-1505/5659-08200/EBM.

Respectfully submitted,



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